IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 31 OF 2006

Nilesh Prabhakar Nanaware. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Mr.S.R. Page for Applicant.
Mr.Y.S. Shinde, APP for State.

CORAM : V.M. KANADE, J.

DATED : JANUARY 24, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant was arrested in connection with an offence which is registered at Kothrud Police Station vide C.R.No.565/2005 for the offence punishable under Section 394 read with Section 34 of the IPC. The evidence against the applicant is that he has been identified by the complainant.

2. Learned APP appearing for the State vehemently opposed the application for grant of bail. It is submitted that the applicant had attacked the

complainant during the broad day light and had used a sickle. He submitted that an attempt to commit robbery in the house of the applicant is a serious offence, therefore, this is not a fit case for bail. In my view, considering the facts that the only evidence against the applicant is identification by the complainant and the motive alleged is that the applicant had attempted to commit dacoity, there is no recovery at the instance of the present applicant. Thus, the entire case hinges on the role of the applicant. The applicant is of 21 years of age and has a fixed place of residence in Pune.

3. In the circumstances, the applicant be released on bail in the sum of Rs.5,000/- with one or two sureties in the like amount. He shall, however, report to Kothrud Police Station once in a week for a period of six months and thereafter, twice in a month till the disposal of the case.

. Application is, accordingly disposed of.

(V.M. KANADE, J.)